

Draft**Frequently Asked Questions (FAQs)****FAQ 3 - Secondary Liability**

Q: Are ISPs, telecommunications carriers, or other organizations liable under the safe harbor principles when on behalf of another organization they merely transmit, route, switch or cache information that may violate their terms?

A: No. As is the case with the Directive itself, the safe harbor does not create secondary liability. To the extent that an organization is acting as a mere conduit for data transmitted by third parties and does not determine the purposes and means of processing those personal data, it would not be liable.